

**EMERGENCY-MOTION TO VACATE-JUDICIAL ORDERS-DEMAND SANCTIONS-
IMMEDIATE JUDICIAL OVERSIGHT-EMERGENCY-TPO-UNDER-VAWA-AND-ADA**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

JOHN R. FOUTS,

Plaintiff,

v.

DEFENDANTS,

Defendants.

Case No.: 3:25-CV-33-BJB

FILED

JAMES J. VILT JR,
CLERK

Jan 31, 2025

U.S. DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

**PLAINTIFF'S MOTION TO VACATE JUDICIAL ORDERS, FRAUD UPON THE COURT,
REQUEST FOR IMMEDIATE JUDICIAL OVERSIGHT, INVESTIGATION OF JUDICIAL
MISCONDUCT, DEMAND FOR SANCTIONS, CERTIFICATION FOR SUPREME COURT
REVIEW, AND IMMEDIATE PROTECTION UNDER VAWA**

COMES NOW, Plaintiff, **John R. Fouts**, pro se, pursuant to **Federal Rules of Civil Procedure 60(b)(3), 60(d)(3), and 28 U.S.C. § 2101(e)**, and respectfully moves this Court to vacate its ruling in Docket 71, which improperly denied Plaintiff's **Emergency Motion for Special Master (Docket 54)**, **Emergency Judicial Intervention (Docket 57)**, and **Emergency Filing with Medical Necessity Attestations (Docket 61)**. Plaintiff further asserts **Fraud Upon the Court** and requests **judicial sanctions** against those responsible for knowingly obstructing justice and depriving Plaintiff of his fundamental rights under federal law. Plaintiff further requests that this Court:

1. **Certify this case for immediate review by the U.S. Supreme Court** due to ongoing constitutional violations and judicial misconduct.
2. **Recognize that parallel Supreme Court filings for Writs of Mandamus, Prohibition, and Injunction do not conflict with this request.**
3. **Refer all judicial misconduct and obstruction of justice claims for immediate review by the Judicial Council under 28 U.S.C. § 351.**
4. **Order an immediate federal investigation into judicial and court officials acting under the color of law and in bad faith, with oversight from DOJ, OIG, and relevant federal agencies.**

**EMERGENCY-MOTION TO VACATE-JUDICIAL ORDERS-DEMAND SANCTIONS-
IMMEDIATE JUDICIAL OVERSIGHT-EMERGENCY-TPO-UNDER-VAWA-AND-ADA**

5. Vacate all improper rulings and restore Plaintiff's due process rights.
6. Acknowledge that the continued failure to escalate oversight demonstrates systemic violations and compounding harm.
7. Issue an immediate order of sanctions against the Court, clerks, and any other responsible parties for procedural obstruction, fraud upon the court, and constitutional violations.
8. Order HUD and LMHA to respond immediately regarding Plaintiff's housing crisis – not only respond but provide answers to all unanswered questions Plaintiff has asked repeatedly over a period of months including even higher leadership at HUD at the state and federal levels to only be met with silence.
9. Recognize the importance and magnitude of Dr. Vaughn's medical assessment detailing the unreasonableness and potential medical crises of abrupt forced displacement due to Plaintiff's conditions including Long Covid with Microclots, Chronic Venous Insufficiency, and Mast Cell Activation Syndrome (MCAS).
10. Issue an IMMEDIATE Temporary Restraining Order (TRO) against Station J-Town, a Vida-Management property, to prevent the lease from ending until stable housing is secured, and Plaintiff and child are able to move safely with accommodations to be provided by HUD and/or LMHA or other resource as Plaintiff does not have resources, nor energy to be able to successfully move without irreparable harm on his own. This was requested previously but Judge BJB dismissed and discarded the request as insignificant.
11. Direct the Court to rule on the proposed housing solutions submitted in the Emergency Injunction and Protective Orders filed to date.
12. Acknowledge and immediately enforce Plaintiff's rights under ADA, Olmstead Act, Section 1915c, Section 504, VAWA, and whistleblower protections along with ALL other federal rights presently being denied and where justice continues to be withheld.
13. Recognize documented proof that multiple filings were not docketed despite judicial claims otherwise, including exhibits WKDC-E, WKDC-F, and multiple other supporting documents sent to the Clerk on January 22, 2025, which remain absent from the docket. This includes, but is not limited to:

**EMERGENCY-MOTION TO VACATE-JUDICIAL ORDERS-DEMAND SANCTIONS-
IMMEDIATE JUDICIAL OVERSIGHT-EMERGENCY-TPO-UNDER-VAWA-AND-ADA**

- **WDKY-E: Supplemental Brief to Clarify and Expand Plaintiff's Requests for Relief, Including ADA and VAWA Accommodations**
 - **WDKY-B: Supplemental Brief to Clarify and Expand Requests for Relief**
 - **WDKY-A: Expanded ADA Accommodations Statement**
 - **WDKY-D: Emergency Injunction and Permanent Protective and Restraining Orders**
 - **WDKY-C: Motion for Emergency Preliminary Injunction and Permanent Protective Orders**
 - **WDKY-F: Expanded ADA Accommodations Statement - Copy**
 - **Emergency Filing Exhibit: Email Activity Report Demonstrating Lack of Engagement by Assigned Investigators**
14. **Recognize that the judge falsely stated that a Special Master serves only the Court, contradicting established precedent that Special Masters can be appointed to prevent judicial misconduct and abuse, particularly when impartiality is in question.**
15. **Restore Plaintiff's in forma pauperis status, which was revoked in retaliation for requesting judicial sanctions and oversight, and with no change in financial situation.**
16. **Re-add JAF as a Plaintiff, as Plaintiff's child's removal directly undermines claims involving medical malpractice, CPS fraud, HIPAA violations, and other relevant matters.**
17. **Order the immediate correction of the Defendants list, which remains incorrect despite multiple motions, notices, and communications to correct it, since being input wrongly initially as evidenced in multiple docketed items – entered incorrectly at time of filing on December 18, 2024, when first Emergency Motion was submitted.**
18. **Acknowledge the improper removal of Plaintiff's child, JAF, despite being critical to claims involving medical malpractice, falsified CPS reports, breach of fiduciary duty, and violations of EMTALA.**

**EMERGENCY-MOTION TO VACATE-JUDICIAL ORDERS-DEMAND SANCTIONS-
IMMEDIATE JUDICIAL OVERSIGHT-EMERGENCY-TPO-UNDER-VAWA-AND-ADA**

19. Acknowledge that the Court rejected filings based on unspecified procedural grounds, failing to cite any rule or law that was allegedly violated.
20. Recognize that Plaintiff's affidavit fully complied with 28 U.S.C. § 1746, making their rejection improper.
21. Acknowledge that the judge did not review the physician letters and medical evidence referenced in his ruling, or, if he did, that he actively ignored known severe irreparable harm.
22. Recognize that the Court's failure to act on emergency filings has led to imminent danger and life-threatening conditions for Plaintiff and JAF showing the court's inactions have led to ongoing harm.
23. Recognize the following HUD, LMHA, Western District of Kentucky, Judge BJB, Clerk's Office, and Mindy Sunderland, and others as abusers under VAWA and as active participants in systemic obstruction, abuse, and procedural gaslighting, and formally note that this list is not all inclusive - others will be added in separate documents and filings.
24. Recognize the EPO Exhibit Titled Emergency Exhibit – EPO As Evidence For VAWA as additional proof of past safety concerns completely ignored by officials.
25. Acknowledge that the judge's claim that all filings have been docketed is false, as evidenced by missing filings.
26. Request that all missing filings be immediately docketed and cross-referenced properly, ensuring no further procedural obstruction.
27. Mandate an independent audit of the case docket to ensure full and accurate documentation of all filings, as a docket audit was previously requested but also ignored.
28. Acknowledge all other wrongdoing listed or unlisted, and immediately take corrective and reparative action to correct it.

Right to Reserve Amendments

Plaintiff reserves the right to amend, supplement, or modify this motion as additional evidence emerges, further procedural violations occur, or new legal arguments become necessary to ensure complete and just adjudication of this case.

**EMERGENCY-MOTION TO VACATE-JUDICIAL ORDERS-DEMAND SANCTIONS-
IMMEDIATE JUDICIAL OVERSIGHT-EMERGENCY-TPO-UNDER-VAWA-AND-ADA**

ADA Accommodations Statement

Plaintiff asserts their rights under the **Americans with Disabilities Act (ADA) Title II (42 U.S.C. § 12131-12134)** and **Section 504 of the Rehabilitation Act (29 U.S.C. § 794)** and requests that:

1. All communications from the Court, Clerk's Office, and Defendants occur in writing via email or fax to accommodate cognitive and sensory impairments along with processing issues and PTSD as well as many other health problem included in other exhibits.
2. The Court issue an order ensuring that procedural barriers and discriminatory practices against disabled litigants are immediately corrected, including the denial of full **CM/ECF** electronic filing access. The CM/ECF electronic filing option remains unavailable to Plaintiff as of 2025-01-31 7:30 p.m. as of last check despite Judge BJB stating otherwise in Docket 71 issued 2025-01-30.
3. The Court recognize that ongoing procedural obstruction creates severe, compounding harm to the Plaintiff's health, and to Plaintiff's child, in violation of **Olmstead v. L.C., 527 U.S. 581 (1999)** and **Title II of the ADA**.
4. Emergency matters impacting health, housing, and stability must be expedited as a reasonable accommodation, ensuring compliance with **federal disability rights laws and procedural due process**.

Respectfully submitted,



John R. Fouts, MBA
Pro Se Plaintiff
Email: Fouts.John@gmail.com
Fax: 502.996.8246
Phone: 502.956.0052 (Text Only - ADA Accommodation)